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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,727	12/08/2000	Kenneth F. Carpenter	UV-177	2492
1473	7590	10/19/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			HOYE, MICHAEL W	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,727	Applicant(s) CARPENTER ET AL.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19,21-36 and 38-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-19,21-36 and 38-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/05, 7/5 & 7/30/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicants' arguments filed on July 29, 2005 have been fully considered but they are not persuasive.

Regarding independent claims 1, 18 and 35, the Applicants argue on page 43 of the remarks section that, "Gagnon does not show or suggest receiving indications to perform an inter-resource search feature for a first resource and a second resource of different types..."

In addition to, the Applicants argue on page 44 of the remarks section that:

Although applicants' invention may generally implicate the subject matter of Youman, applicants' claimed invention patentably improves upon Youman by providing a system and method for receiving indications to perform an inter-resource search feature for a first resource and a second resource of different types...

Furthermore, the Applicants argue on page 44 that, "the Examiner has failed to point out any suggestion or motivation to combine Gagnon with Youman to show all the features of applicants' claimed invention." And, on page 45 the Applicants argue that, "Accordingly, there is no suggestion or motivation in Gagnon to provide an inter-resource search feature to search resources of different types, no could one of ordinary skill in the art reasonably be expected to do so."

In response to applicants' arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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In response to applicants' argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Gagnon patent discloses an electronic program guide which has the capabilities to display and filter multiple different types of resources or "inter-resources" as claimed, which may include satellite or broadcast television shows (or programs), pay-per-view (PPV) programs, timer events, scheduled software downloads, etc. (see Fig. 14 for example). A user may filter what is displayed on the inter-resource electronic program guide through the filter selection 356 in Fig. 14 and through the settings 164 as shown in Fig. 16. Although Gagnon discloses an inter-resource electronic program guide as described above, which may be used by a viewer to filter out or show multiple different resources when searching through the interactive television program guide system for a particular resource or group of resources, the claimed receiving an indication to perform an inter-resource search is not necessarily explicitly disclosed by the Gagnon et al reference. The Youman et al patent/reference was incorporated in the rejection in order to provide the teaching of an electronic television program guide schedule system and method for use with different resources that further teaches the use of a search resources feature as shown in Figs. 38D, 38E and 38F. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method of providing an interactive television program guide with inter-resource features as disclosed in the

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Gagnon et al reference with the Youman et al reference which discloses an interactive television program guide and the additional teaching of a resource search feature for the advantage of providing a user with the option of searching according to user specified criteria and providing the user with the results of the search in an inter-resource interactive television program guide. One of ordinary skill in the art would have been led to make such a modification since receiving user search criteria is well known in the art of interactive video distribution systems, and more specifically interactive television program guide technology, in order to provide users with the additional benefits of using their own search criteria to find specific resources.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-19, 21-36, and 38-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al (USPN 6,522,342), previously cited by the Examiner, in view of Youman et al (USPN 5,629,733), previously cited by the Applicants.

As to claim 1, note the Gagnon et al reference which discloses a method for providing inter-resource features in an interactive television program guide system. The claimed receiving with the interactive television program guide a first indication to perform an inter-resource search feature for a first resource having a first type is met in part by the electronic program guide main menu page 140 as shown in Fig. 2A, and more specifically by the schedule sub-page

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as shown in Fig. 14, where various resources or events may be displayed including television shows, software downloads, and other events. The resources may be displayed together or filtered (filter section 356). The user may also make a selection to perform an inter-resource search feature by selecting a button such as the review 362 or the history 364 buttons (see col. 19, lines 10-33). The claimed providing with the interactive television program guide the inter-resource search feature for the first resource is met in part by selecting the history button 364 or review button 362 for television programs as described above. The claimed receiving with the interactive television program guide a second indication to perform the inter-resource search feature for a second resource of a second type, wherein the first and second types are different; and providing with the interactive television program guide the inter-resource search feature for the second resource is met in part by selecting the history button 364 or review button 362 for software downloads as described above, moreover, the history selection may display past software downloads and television programs together (see col. 19, lines 31-33). In other words, the Gagnon patent discloses an electronic program guide which has the capabilities to display and filter multiple different types of resources or "inter-resources" as claimed, which may include satellite or broadcast television shows (or programs), pay-per-view (PPV) programs, timer events, scheduled software downloads, etc. (see Fig. 14 for example). A user may filter what is displayed on the inter-resource electronic program guide through the filter selection 356 in Fig. 14 and through the settings 164 as shown in Fig. 16. Although Gagnon discloses an inter-resource electronic program guide as described above, which may be used by a viewer to filter out or show multiple different resources when searching through the interactive television program guide system for a particular resource or group of resources, the claimed receiving an

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indication to perform an inter-resource search is not necessarily explicitly disclosed by the Gagnon et al reference. The Youman et al patent/reference teaches an electronic television program guide schedule system and method for use with different resources that further teaches the use of a search resources feature as shown in Figs. 38D, 38E and 38F. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method of providing an interactive television program guide with inter-resource features as disclosed in the Gagnon et al reference with the Youman et al reference, which discloses an interactive television program guide and the additional teaching of a resource search feature for the advantage of providing a user with the option of searching according to user specified criteria and providing the user with the results of the search in an inter-resource interactive television program guide. One of ordinary skill in the art would have been led to make such a modification since receiving specific user search criteria is well known in the art of interactive video distribution systems, and more specifically interactive television program guide technology, in order to provide users with the additional benefits of using their own search criteria to find specific resources.

As to claim 2, the claimed receiving the first indication comprises receiving the first indication from a supported application; and receiving the second indication comprises receiving the second indication from a supported application is met by the application software executed by the PC, as further disclosed in the Gagnon et al reference (see col. 9, lines 39-44 and col. 25, lines 28-37).

As to claim 4, the claimed receiving the first indication comprises receiving the first indication from a user input device; and receiving the second indication comprises receiving the

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second indication from a user input device is met by a keyboard or mouse that may manipulate a simulated remote control to navigate through the pages of the Graphical User Interface (GUI), as further disclosed in the Gagnon et al reference (see col. 24, line 45 – col. 25, line 46).

As to claim 5, the claimed receiving with the interactive television program guide a first indication to go back to a previously accessed resource is met by the “Back” button as shown in Fig. 21 of Gagnon et al (see col. 25, lines 16-27). The claimed receiving with the interactive television program guide a second indication to go back to another previously accessed resource; providing with the interactive television program guide the previously accessed first resource in response to the first indication to go back to the previously accessed resource; and providing with the interactive television program guide another previously accessed resource in response to the second indication to go back to another previously accessed resource is met in-part by the Gagnon et al reference as previously described above, although the reference does not give explicit detail as to the functionality of the “Back” function as related to the claimed “second indication”, it is well known to those of ordinary skill in the art that a “Back” function would perform in the manner indicated in the language of the claim.

As to claim 6, the claimed receiving with the interactive television program guide an indication to go forward to the previously accessed resource; and providing with the interactive television program guide the previously accessed resource in response to the indication to go forward to the previously accessed resource is met by the “forward” function as shown in Fig. 21 (see col. 25, lines 16-27).

As to claim 7, the claimed receiving a first indication to access an inter-resource history feature is met by History button 364 as shown in Fig. 14 of Gagnon et al. The claimed receiving

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a second indication to access the inter-resource history feature; providing a history list of a plurality of resources that includes the first resource in response to the first indication to access the inter-resource history feature; and providing the history list of a plurality of resources that includes the second resource in response to the second indication to access the inter-resource history feature is met by col. 19, lines 31-45 of Gagnon et al and by the rejection in claim 1 as described above.

As to claim 8, the claimed receiving an indication of a particular resource of the history list is met by selecting the history button 364 as shown in Fig. 14 of Gagnon et al, which allows the user to review past software downloads and television programs that have been selected or viewed (see col. 19, lines 31-33). The Gagnon et al reference does not explicitly disclose the claimed, "providing the resource in response to the indication." However, the Examiner takes Official Notice that it is notoriously well known in the art of interactive video distribution and computer networks to provide a resource in response to a selection made from a history list for the advantage of allowing a user to re-access a web-site, television program, software download, or other resource that the user had previously selected in the past. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to provide the resource in response to the indication for the advantage given above.

As to claim 9, Gagnon et al further discloses an inter-resource reminder feature as met by the schedule function link 160 as shown in Fig. 14, which serves as a reminder list for current and upcoming events that are scheduled for various resources such as television shows, pay-per-view (PPV) events, software downloads, etc. (see col. 19, lines 10-33). The claimed receiving an indication to schedule a reminder for the first resource, and providing a first reminder for the first

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resource is met by selecting a download button 268 for a particular software title, where the user is presented with a set of choices for available download date/times for that title, the download may be scheduled and a reminder of the scheduled download is listed as shown in the current and upcoming events display in Fig. 14 as described above, see for example the software download image listed for Thursday 12/18 at 11 PM, as well as the list of upcoming events in the column on the right of the screen (col. 16, lines 42-55). The claimed receiving an indication to schedule a reminder for the second resource, and providing a second reminder for the second resource is met in a similar manner as the software download as described above, where other events, including software downloads, PPV events, television shows, etc. may be scheduled and listed as reminders to the user as shown in Fig. 14 and as described above.

As to claim 10, the claimed method defined in claim 9, wherein the first reminder for the first resource and the second reminder for the second resource are provided in a combined reminder list is met as described above in claim 9 and as shown in Fig. 14, where multiple reminders of current and upcoming events may be shown and listed in the GUI display.

As to claim 11, the claimed method defined in claim 9, wherein providing the first reminder for the first resource comprises providing features in the first reminder based on the first type; and providing the second reminder for the second resource comprises providing features in the second reminder based on the second type is met by providing features in each reminder based on the type of resource as shown in Fig. 14 of Gagnon et al and as described above in claim 9, where a resource such as a software download is represented by a computer icon or image in the listing, a timer event/resource is represented by a clock image, and a PPV event/resource is represented by a film strip image.

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As to claim 12, the claimed receiving an indication to make the first resource a favorite resource is met in part by a user's selected favorite channels or a "favorites" list (see Figs. 2B, 12 and col. 23, line 52 – col. 24, line 7). The claimed receiving an indication to make the second resource a favorite resource; including the first resource in a favorites list; and including the second resource in the favorites list is met in part by Gagnon et al as described above. The Gagnon et al reference does not explicitly disclose making resources other than television channels a favorite resource, as related to the claimed "second resource". However, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the capability of making a second or different type of resource a favorite resource as well, and including the second resource in the favorites list for the advantage of allowing a user to keep track of additional favorite resources other than just television channels or programs, and consolidating the favorites list of different types of resources into a single combined list in order to provide a single list for convenience to a user.

As to claim 13, the claimed method defined in claim 12, further comprising providing an opportunity to select a resource from the favorites list; and providing the first resource in response to a selection of the first resource from the favorites list is met by col. 23, line 52 – col. 24, line 7 of the Gagnon reference as described above.

As to claims 14 and 15, the Gagnon et al reference discloses an inter-resource feature as described above. Gagnon also discloses a TV settings page 164 as shown in Fig. 16, which includes a locks and limits selection, where a user may configure various settings including selecting or locking out satellite and broadcast channels, setting spending limits for pay-per-view selections, setting ratings limits, etc. (see col. 20, lines 17-31). Although Gagnon does not

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explicitly disclose “parental controls”, the features described above are similar or equivalent to parental controls. In addition to, the Youman et al reference, as combined with Gagnon above in claim 1, teaches an electronic television program guide schedule system and method for use with different resources that further teaches or includes the use of “parental controls” (see Figs. 7, 30, 39-40B, and 41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method of providing inter-resource features in an interactive television program guide as disclosed in the Gagnon et al reference with the additional teachings of parental control features as taught by the Youman et al reference for the advantage of providing limited or restricted access to objectionable content as determined by other individuals such as parents, guardians or other adults. One of ordinary skill in the art would have been led to make such a modification since parental control features, including v-chip technology, is well known in the art of interactive video distribution systems, and more specifically interactive television program guide technology, in order to provide parents better control over the content and material that their children may be viewing by providing additional filtering or blocking of unwanted content.

As to claim 16, the claimed receiving an indication to provide an extras display; providing the extras display in response to the indication, wherein the extras display includes one or more inter-resource features; receiving an indication for an inter-resource feature of the one or more inter-resource features; and providing the indicated inter-resource feature of the one or more inter-resource features is met by the various remote control on screen displays as shown in Fig. 21 of Gagnon et al for example, and as described above in claim 1, which includes one or more inter-resource features such as “BACK” and “FORWARD” buttons.

As to claim 17, the claimed in response to receiving an indication to perform the inter-resource search feature; receiving user search criteria; searching one or more resources according to the search criteria; and providing the results of the search is met by the Youman et al reference as combined with Gagnon and as previously described above in claim 1.

As to claim 52, the claimed providing a user with an opportunity to enter one or more keywords from a search display; and advancing a list of search results to display applications from at least one resource that match the one or more keywords is met by the Youman et al reference as combined with Gagnon and as previously described above in claim 1 (see Figs. 38D – 38F).

As to claims 18-19, 21-34 and 53, the claims are rejected based on similar grounds as the rejection of claims 1-2, 4-17 and 52, respectively.

As to claims 35-36, 37-51 and 54, the claims are rejected based on similar grounds as the rejection of claims 1-2, 4-17 and 52, respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klosterman et al (USPN 6,469,753 B1) – Discloses a method and system for displaying an electronic program guide.

Klosterman et al (US 2003/0051241 A1) - Discloses a method and system for displaying an electronic program guide.

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Klosterman et al (US 2005/0028201 A1) – Discloses a method and system for displaying an electronic program guide.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

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Michael W. Hoyer

October 6, 2005



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